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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Drexler et al. Examiner: Unassigned
Application No.: 10/518,700 Group Art Unit: Unassigned
Confirmation No.: 5646 Docket: 903-127 PCT/US
Filed: December 20, 2004 Dated: September 13, 2006
For: CHILD SEAT

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Marcy H. Mancuso /
Name (Print)

Marcy H. Mancuso
(Signature)

Attention of the Office of PCT Legal Administration

RENEWED REQUEST UNDER 37 C.F.R. § 1.42

Sir:

In response to the Decision on Requests under 37 C.F.R §§ 1.497(d) & 1.42 dated July 13, 2006, a response to which is due September 13, 2006, for the above-identified case, Applicant submits the following:

1. A Combined Declaration and Power of Attorney signed by **Cornelia Groen** (first of three co-heirs and legal representative of deceased inventor Joannes Herman Drexler), **Joannes Herman Drexler** (second of three co-heirs and legal representative of deceased inventor Joannes Herman Drexler), and **Johanna Francisus Antonia Maria Rossen** (sole heir and legal representative of Cornelis Kees Drexler, deceased, third of three co-heirs of deceased inventor Joannes Herman Drexler), such Declaration identifying the application by the afforded U.S. application serial number, the international application number and international filing date.

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2. A copy of Decision on Requests under 37 C.F.R §§ 1.497(d) & 1.42 dated July 13, 2006.

3. For the convenience of the Attorney for the PCT Legal Administration a copy of the previously submitted Certificate of Inheritance and an English translation of the same are also provided with this submission.

Fees associated with the Notification of Missing Requirements under 35 U.S.C. § 371 have been previously paid to the United States Patent and Trademark Office. Accordingly, no fees are believed to be due with the current submission. If additional fees, however, are due the Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

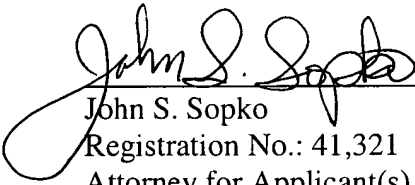
The enclosed declaration sets forth the status, i.e., specifically numerated co-heirs (one-of-three, two-of-three and three-of-three co-heirs) and legal representative of deceased inventor Joannes Herman Drexler, of the legal representatives who have executed the declaration pursuant to 37 C.F.R. § 1.42 and The Decision On Requests Under 37 C.F.R §§ 1.497(d) & 1.42 dated July 13, 2006. Entry of this declaration is respectfully requested.

Should the Attorney for the PCT Legal Administration have any questions regarding this submission, please contact the undersigned counsel at the telephone number below.

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This application is believed to be in condition for examination on the merits. Favorable action thereon is therefore respectfully solicited.

Respectfully submitted,



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13 JUL 2006

JUL 17 2006

In re Application of
DREXLER, Joannes Herman
Application No.: 10/518,700
PCT No.: PCT/NL03/00453
Int. Filing Date: 20 June 2003
Priority Date: 20 June 2002
Attorney's Docket No.: 903-127 PCT/US
For: CHILD SEAT

DECISION

ON REQUESTS UNDER

37 CFR 1.497(d) and 1.42

This decision is in response to applicant's petition under 37 CFR 1.497, filed in the United States Patent and Trademark Office on 06 January 2006. Additionally, the declaration contains indications that the inventor is deceased. The declaration has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 20 June 2003, applicant filed international application PCT/NL03/00453, which claimed a priority date of 20 June 2002. A copy of the international application was transmitted to the Office on 31 December 2003 by the International Bureau. The deadline for entry into the national stage in the United States was midnight on 20 December 2004.

On 20 December 2004, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee.

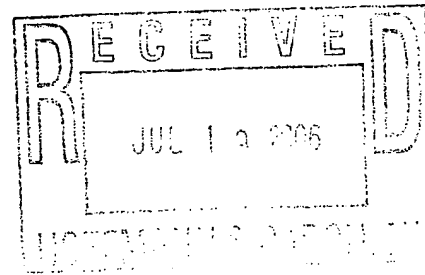
On 07 November 2005, the Office mailed Notification of Missing Requirements, indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration was required.

On 06 January 2006, applicant filed a declaration, the instant request and the surcharge.

DISCUSSION

Request Under 37 CFR 1.497(d)

Applicant has filed a request to correct the inventive entity in the above application, but incorrectly identifies the current inventive entity. Applicant identifies the inventive entity as Joannes Herman Drexler (heir) and Cornelis Kees Drexler (heir), but the sole inventor listed for the application is Joannes Herman Drexler (deceased). Joannes Herman Drexler (heir) and Cornelis Kees Drexler (heir) are listed as applicants for the US only, not as inventors. It appears that applicant is attempting to utilize 37 CFR 1.497(d), when 37 CFR 1.42 is appropriate. For these reasons, applicant's request to add Cornelia Groen as an inventor is not addressed in detail.



Request Under 37 CFR 1.42

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration must list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration appears to list the information for the heirs and for the deceased inventor. However, as set out below, the declaration is defective.

1. The declaration does not state that the heirs are the "sole heirs" of the deceased inventor or that the heirs are the "legal representatives" of the deceased inventor.

The declaration is executed by Cornelia Groen, Joannes Herman Drexler and Johanna Franciscus Antonia Rossen as heirs. Cornelia Groen and Joannes Herman Drexler (heir) are listed as heirs of the deceased inventor and Johanna Rossen is listed as heir of a deceased heir. The indication that Cornelia Groen and Joannes Herman Drexler are heirs of the deceased and that Johanna Rossen is the heir of deceased heir Cornelis Kees Drexler leaves open the possibility that there are other non-signing joint heirs. Further, if Johanna Rossen is an heir of the deceased inventor through her deceased husband, she should be identified as one of the sole heirs of the deceased inventor or as a legal representative of the deceased inventor. That she is an heir of a deceased heir does not clearly set out her relationship to the deceased inventor and the capacity in which she is signing the declaration, as required by 37 CFR 1.497(b)(2). In the alternative, Johanna Rossen could be listed as "sole heir" of the heir Cornelis Kees Drexler, one of three sole heirs of the deceased inventor.

A statement that the heirs are the sole heirs of the deceased inventor is construed as a statement that a legal representative has not been appointed, nor is one required to be appointed under applicable law and that the authority of the heirs corresponds to the authority of a legal representative. Proof of authority is not required. MPEP 409.01(b).

2. The declaration has been modified.

The declaration contains undated, non-initialed alterations, which are not permitted. 37 CFR 1.52(c)(1). Page 2 of the declaration executed by Cornelia Groen has had text blocked out and handwriting removed. It is improper for anyone, including counsel, to alter, rewrite or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant. MPEP 605.04(a).

3. Applicant has provided three different names for the deceased heir of the deceased inventor.

The declaration identifies the deceased heir as "Kees Cornelis Drexler" and "Cornelis Kees Cornelis". However, he is identified on the international application and other papers as "Cornelis Kees Drexler." Clarification of the discrepancy is required.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) and under 37 CFR 1.42 are REFUSED.

dated
A proper response is required within a period of TWO (2) MONTHS from the mail date of this decision. The response should be entitled "Renewed Request Under 37 CFR 1.42." Failure to timely response will result in the ABANDONMENT of this application. Any request for reconsideration of the request under 37 CFR 1.497(d) must be filed within TWO (2) MONTHS from the mail date of this decision and should be entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time for both responses are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

VERKLARING VAN ERFRECHT

Vandaag, een juli tweeduizend en vijf, verklaar ik, Mr Adriaan Godfried van der Reijt, ---
notaris in de gemeente Montferland, op verzoek van de in de conclusie genoemde persoon,
dat ik mij zoveel mogelijk heb overtuigd van het volgende: -----

1. Overlijden

Op dertien januari tweeduizend is te Doesburg overleden: de heer Joannes Herman -----
Drexler, laatst gewoond hebbende te Doesburg, Lijsterbeslaan 3, (postcode 6982 CL), ---
geboren te Brummen op drie april negentienhonderd negenentwintig, hierna te noemen: --
erflater. -----

Erflater had bij zijn overlijden de Nederlandse nationaliteit. -----

2. Huwelijk

Erflater en zijn echtgenote, mevrouw Cornelia Groen, geboren te 's-Gravenhage op elf ---
oktober negentienhonderd eenendertig, wonende alsvoren, waren beiden in eerste echt ---
gehuwd zonder huwelijkse voorwaarden. Het Nederlandse huwelijksgoederenrecht was --
van toepassing. Daarom bestond tussen hen de wettelijke gemeenschap van goederen. ---
De nalatenschap van erflater omvat, de helft van de door zijn overlijden ontbonden ----
algehele huwelijksgemeenschap, terwijl op grond van het huwelijksgoederenrecht zijn ---
echtgenote rechthebbende is van de andere helft van die gemeenschap. -----

3. Afstammelingen

Als kinderen van erflater zijn geboren: -----

1. de heer Joannes Herman Drexler, wonende te Doesburg, Lijsterbeslaan 3, (postcode --
6982 CL), geboren te 's-Gravenhage op acht en twintig juli negentienhonderd twee en
vijftig, ongehuwd en niet geregistreerd als partner in de zin van het geregistreerd ----
partnerschap; -----
2. de heer Cornelis Kees Drexler, wonende te Doesburg, Koepoortstraat 16/a, (postcode -
6981 AS), geboren te Brummen op twintig september negentienhonderd drie en vijftig,
gehuwd; -----

4. Testament

Volgens opgave van het Centraal Testamenten Register heeft erflater voor het laatst over -
zijn nalatenschap beschikt bij testament op dertien september negentienhonderd -----
negenennegentig voor D.H. van Zanten, destijds notaris te 's-Heerenberg verleden. -----

5. Erfopvolging

Bij dit testament is erflater afgeweken van de wettelijke erfopvolging; erfslaters echtgenote
is uitgesloten als erfgename. Blijkens een onderhandse verklaring de dato een juli -----
tweeduizend hebben erfslaters echtgenote en zijn beide zonen verklaart de ouderlijke ----
boedelverdeling niet te aanvaarden. Erfslaters echtgenote heeft verklaard het aan haar ----
vermaakte overname- en/of keuzelegaat van alle goederen der nalatenschap te aanvaarden,
met uitzondering van in deze akte niet nader te noemen boedelbestanddelen, alsmede het -
legaat van vruchtgebruik van de nalatenschap te aanvaarden. -----
Vervolgens is op een januari tweeduizend en vier te Curacao overleden: de heer Cornelis -
Kees Drexler, laatst gewoond hebbende te Doesburg, Koepoortstraat 16a, (postcode 6981 -
AS), geboren te Brummen op twintig september negentienhonderd drieënvijftig, hierna te -
noemen: erfslaters zoon. -----

Erfslaters zoon en zijn echtgenote, mevrouw Johanna Franciscus Antonia Maria Rossen, --
wonende alsvoren, geboren te Beuningen op tien juli negentienhonderd vijfenvijftig, waren
beiden in eerste echt gehuwd zonder huwelijkse voorwaarden. Het Nederlandse -----



huwelijksgoederenrecht was van toepassing. Daarom bestond tussen hen de wettelijke ---
gemeenschap van goederen. -----

De nalatenschap van erflaters zoon omvat, naast eventueel eigen vermogen van erflaters --
zoon, de helft van de door zijn overlijden ontbonden algehele huwelijksgemeenschap, ---
terwijl op grond van het huwelijksgoederenrecht zijn echtgenote rechthebbende is van de -
andere helft van die gemeenschap. -----

Als kinderen van erflaters zoon zijn geboren: -----

1. mevrouw Kim Drexler, wonende te Arnhem, Egelantierstraat 12-2, (postcode 6841 --
BJ), geboren te Doesburg op vierentwintig juli negentienhonderd eenentachtig, -----
ongetrouwd en niet geregistreerd als partner in de zin van het geregistreerd -----
partnerschap; -----
2. mevrouw Rozanne Drexler, wonende te Leeuwarden, Noordvliet 5, (postcode 8921 --
GD), geboren te Doesburg op zesentwintig maart negentienhonderd vierentachtig, ---
ongetrouwd en niet geregistreerd als partner in de zin van het geregistreerd -----
partnerschap; -----
3. de heer Dylan Drexler, wonende te Doesburg, Koepoortstraat 16a, (postcode 6981 ---
AS), geboren te Doesburg op achttien augustus negentienhonderd negentachtig, ---
ongetrouwd en niet geregistreerd als partner in de zin van het geregistreerd partnerschap.

Volgens opgave van het Centraal Testamenten Register heeft erflaters zoon niet bij -----
testament over zijn nalatenschap beschikt. -----

Omdat er geen testament gemaakt is, is op de nalatenschap de wettelijke verdeling (artikel
4:13 Burgerlijk Wetboek) van toepassing. -----

Als gevolg hiervan heeft de echtgenote van erflaters zoon op het moment van het -----
overlijden alle goederen van de nalatenschap verkregen en komen de schulden van de ---
nalatenschap voor haar rekening. -----

6. Uitsluitings- of Privéclausule-----

In dit testament heeft erflater ook bepaald dat op verkrijgingen uit de nalatenschap van ---
erflater de uitzondering van artikel 1:94 lid 1 Burgerlijk Wetboek van toepassing is. -----

7. Conclusie-----

Krachtens al het vorenstaande zijn erflaters zoon sub 1 voornoemd, mevrouw Johanna ---
Franciscus Antonia Maria Rossen en erflaters echtgenote, als mede-deelgenote in -----
huwelijksgemeenschap en als legataris waaronder voormeld overnamelegaat, gerechtigd --
tot erflaters nalatenschap, de zoon en mevrouw Rossen onder de last van het recht van ---
vruchtgebruik ten behoeve van erflaters echtgenote. -----

8. Inschrijving boedelregister-----

Als notaris, bedoeld in artikel 4:186 lid 2 van het Burgerlijk Wetboek, is in het -----
boedelregister ingeschreven Mr A.G. van der Reijt voornoemd. -----

9. Slot-----

Deze akte is verleden te 's-Heerenberg, op de datum in het begin van deze akte vermeld en
door mij ondertekend. -----

Volgt ondertekening. -----

VOOR AFSCHRIFT



HJ/HB/35705

CERTIFICATE OF INHERITANCE

On this day, the first day of July of the year two thousand and five, I, Mr. Adriaan Godfried van der Reijt LL.M., civil-law notary practising in the Municipality of Montferland, the Netherlands, declare that I at the request of the person mentioned hereinafter sub 7. Conclusion have convinced myself as much as possible of the correctness of the following information:

1. Death

On the thirteenth day of January of the year two thousand there died in Doesburg, the Netherlands: Mr. Ioannes Herman Drexler, lastly residing in Doesburg at the address Lijsterbeslaan 3 (postal code 6982 CL), born in Brummen, the Netherlands, on the third day of April of the year nineteen hundred and twenty-nine, hereinafter referred to as: "the Testator".

At his death the Testator had the Dutch nationality.

2. Marriage

The Testator and his Spouse, Mrs. Cornelia Groen, born in The Hague, the Netherlands, on the eleventh day of October of the year nineteen hundred and thirty-one, residing at the abovementioned address, were married to each other in for both of them their first marriage without concluding a marriage contract. Dutch matrimonial property law was applicable to the marriage. For that reason the statutory community of property existed between them. The estate of the Testator includes one half of the full matrimonial community of property that was dissolved by his death, whereas on the basis of matrimonial property law his Spouse is the party entitled to the other half of that community of property.

3. Descendants

As children of the Testator were born:

1. Mr. Joannes Herman Drexler, residing in Doesburg at the address Lijsterbeslaan 3 (postal code 6982 CL), born in The Hague, the Netherlands, on the twenty-eighth day of July of the year nineteen hundred and fifty-two, unmarried and not registered as a registered partner as referred to in the Netherlands Registered Partnership Act;
2. Mr. Cornelis Kees Drexler, residing in Doesburg at the address Koepoortstraat 16/a (postal code 6981 AS), born in Brummen, the Netherlands, on the twentieth day of September of the year nineteen hundred and fifty-three, married;

4. Will

According to information provided by the National Registry of Last Wills and Testaments in The Hague, the Testator for the last time disposed of his estate by means of a Will executed before D.H. van Zanten, at that time civil-law notary practising in 's-Heerenberg, the Netherlands, on the thirteenth day of September of the year nineteen hundred and ninety-nine.

5. Appointment of Heirs

In the aforementioned Will the Testator deviated from the statutory rules regarding the appointment of heirs; the Spouse of the Testator was excluded as heir. As appears from a private statement dated the first day of July of the year two thousand, the Spouse of the Testator and his two sons have

declared that they do not accept the parental partition of the estate. The Spouse of the Testator declared that she accepts the take-over and/or optional legacy bequeathed to her of all goods of the estate, with the exception of components of the estate that will not be specified in the present deed, and that she accepts the legacy of the right of usufruct of the estate.

Subsequently there died in Curaçao on the first day of January of the year two thousand and four: Mr. Cornelis Kees Drexler, lastly residing in Doesburg at the address Koepoortstraat 16a (postal code 6981 AS), born in Brummen on the twentieth day of September of the year nineteen hundred and fifty-three, hereinafter referred to as: "the Son of the Testator".

The Son of the Testator and his Spouse, Mrs. Johanna Franciscus Antonia Maria Rossen, residing at the abovementioned address, born in Beuningen, the Netherlands, on the tenth day of July of the year nineteen hundred and fifty-five, were married in for both of them their first marriage without having concluded a marriage contract. Dutch matrimonial property law was applicable. For that reason there existed between them the statutory community of property.

The estate of the Son of the Testator includes, in addition to any own capital of the Son of the Testator, one half of the full matrimonial community of property dissolved by the death of the Testator, whereas on the basis of matrimonial property law his Spouse is the party entitled to the other half of that community of property.

As children of the Son of the Testator were born:

1. Mrs. Kim Drexler, residing in Arnhem, the Netherlands, at the address Egelantierstraat 12-2 (postal code 6841 BJ), born in Doesburg on the twenty-fourth day of July of the year nineteen hundred and eighty-one, unmarried and not registered as a partner as referred to in the Netherlands Registered Partnership Act;
2. Mrs. Rozanne Drexler, residing in Leeuwarden, the Netherlands, at the address Noordvliet 5 (postal code 8921 GD), born in Doesburg on the twenty-sixth day of March of the year nineteen hundred and eighty-four, unmarried and not registered as a partner as referred to in the Netherlands Registered Partnership Act;
3. Mr. Dylan Drexler, residing in Doesburg at the address Koepoortstraat 16a (postal code 6981 AS), born in Doesburg on the eighteenth day of August of the year nineteen hundred and eighty-nine, unmarried and not registered as a partner as referred to in the Netherlands Registered Partnership Act.

According to information provided by the National Registry of Last Wills and Testaments in The Hague, the Son of the Testators has not disposed of his estate by means of a last will or testament. Because no last will or testament has been drawn up, the statutory rules of partitioning (Article 4:13 of the Netherlands Civil Code) are applicable to the estate.

As a consequence thereof, the Spouse of the Son of the Testator at the moment of death of the Testator acquired all goods of the estate, and as of that moment the debts of the estate are for her risk and account.

6. Exclusion or Private Clause

In his aforementioned Will the Testator also stipulated that the exception of Article 1:94 paragraph 1 of the Netherlands Civil Code applies to the acquisitions from the estate of the Testator.

7. Conclusion

Pursuant to the above, the aforementioned Son of the Testator sub 1, Mrs. Johanna Franciscus Antonia Maria Rossen and the Spouse of the Testator, as joint-participant in the matrimonial community of property and as legatee, including the aforementioned take-over legatee, are entitled to the estate of the Testator, as regards the Son of the Testator and Mrs. Rossen under the charge of the right of usufruct on behalf of the Spouse of the Testator.

8. Registration in the Estate Register

The aforementioned A.G. van der Reijt LL.M. has been registered in the Estate Register as the civil-law notary referred to in Article 4:186 paragraph 2 of the Netherlands Civil Code.

9. Closing Provisions

The present deed was executed in 's-Heerenberg at the date mentioned in the beginning of this deed and was signed by me.

Signature follows.

ISSUED FOR TRUE COPY

[Signature]

[Stamp: A.G. van der Reijt LL.M., civil-law notary
practising in the Municipality of Montferland,
the Netherlands]